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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,759	01/21/2004	Kent Linduff	24465.1	2887
41781	7590	05/09/2006		
KAMMER BROWNING PLLC 7700 BROADWAY, SUITE 202 SAN ANTONIO, TX 78209			EXAMINER SMITH, TRACI L	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,759

Applicant(s)

LINDUFF, KENT

Examiner

Traci L. Smith

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to papers filed on February 14, 2006.

Claims 4-9 have been amended.

Claims 4-9 are pending.

Claims 4-9 are rejected.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 9 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 9 contains the limitation of "real-time" processing; however the initial disclosure does not teach and/or address the method being done in a "real-time" manner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 4, 7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by

US Patent Publication 2003/0229522 A1 Thompson et al. Benefit Management System and Method.

5. As to claim 4 Thompson teaches allowing an employee to view plans and enroll for a healthcare plan.(Pg. 9 ¶ 127) Multiple users browsing the information and capable of making changes with contracting company(Pg. 8 ¶125) Translating archived files to formats so as to import and export into other applications and systems.

6. As to claim 7 Thompson teaches giving the employee access to select function they need to perform(Pg. 11 ¶150). Employee entering required information to gain enrollment status.(Pg. 11 ¶ 154 Pg. 13 ¶ 176, 178) Modifying and/or updating data of currently enrolled employees(Pg 13 ¶176 and 178).

7. As to claim 9 Thompson teaches a system and method that translates file formats from archived information into a format capable of being imported and/or exported into system(Pg. 12 ¶ 169). Thompson's methods has business applications that allows integration with other business applications. **Thompson teaches providing the benefit of "real-time" processing.(Pg 2 ¶ 14).** However, Thompson fails to teach changing the rules based on data that needs to be modified to meet requirements of other applications and the applications being specifically "legacy systems. The examiner notes that it inherent that when taking a database with historical data to apply rules as

to how the data should be transferred to a new data base. This allows data going from the legacy data base to be properly entered into their respective fields in the new system. Legacy database transferring in old and well known in the data processing field.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 5-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2003/0229522 A1 as applied to claim s 4 and 8 above, and further in view of US Patent Publication 2002/0049617A1 Lencki et al; System and Method for Facilitating Selection of Benefits.

11. As to claim 5 Thompson teaches a heath benefit enrollment plan but fails to teach access to establish communication with customer service. Lencki teaches

several options for establishing communication with customer service(Pg. 6 ¶ 105-106).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Lencki and Thompson so users have access to questions being answered as they fill out their necessary information in order to help simplify and speed up the process.

12. As to claim 6 and 8Thompson teaches user access and identification of user and with enrollment plans they can participate in(Pg. 12 ¶174) collaborative work on same file(Pg. 9 ¶ 125; Pg. 11 ¶ 150.) However, Thompson fails to teach the two users reviewing the same file at the same time and sending an email to those involved when information has been changed.. Lencki teaches the user requesting assistance through customer service in real time where Customer service representative has within their system regarding requests emails to employees and employers confirmation changes (PG. 6 ¶105-106 and 111 AND Pg. 15 ¶ 194). It would have been obvious to one skilled in the art at the time of invention to combine the teachings of Lencki and Thompson so as to allowing the customer service access to the employees information in order to give accurate response and/or feedback.

Response to Arguments

13. Applicant's arguments filed February 14, 2006 have been fully considered but they are not persuasive.

14. As to applicants arguments regarding Claim 4. Examiner notes applicant arguments are directed to limitations that are not in claim 4. Claim 4 does not teach

and/or address "real-time". Furthermore, the examiner notes as address in the rejections of claim 9 stated above Thompson teaches real-time access and processing of information(Pg. 2 ¶ 14). Therefore, applicants argument that the instant application will reduce time and cost by processing in 'real-time' is also accomplished by Thompson.

15. As to applicant arguments that "does not restrict management-employee interaction but also allows for third-party customer-support", the examiner notes applicant is not claim third-party customer support in claim 4. Applicant merely claims multi-party processing. Therefore, by applicants own admission, Thompson teaches the management-employee multi-party processing and therefore the instant application does not distinguish over the prior as claimed.

16. As to applicants arguments regarding claim 7 and 9. Again, applicant is arguing limitations which were not originally present upon initial rejection. However, as noted in the above rejection of claim 9 Thompson teaches the access and processing in real-time.

17. As to applicants arguments regarding claims 5 and 6. Applicant again argues the limitation of "real-time" which is not present in either claims. The examiner notes that "real-time" is a limitation taught by both Thompson(pg. 2 ¶ 14) and Lencki (Pg. 6 ¶). Furthermore, applicant argues that Lencki does not provide a real-time collaborative session. Examiner notes Lencki teaches "real-time interactive typed customer communication"; this communication takes place on a web-browser via a chat session. Applicants assumption that Lencki "would use" a menu system is not supported by

evidence. Furthermore, applicant's claims do not limit or restrict the type of communication or "collaboration".

18. Examiner notes applicant does not argue the rejection of claim 8 and therefore it is believed applicant agrees with examiners rejection of claim 8.

Conclusion

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

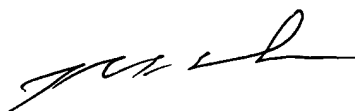
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Smith whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TLS



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